

AMENDED IN ASSEMBLY JULY 9, 2009

AMENDED IN SENATE JUNE 2, 2009

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE FEBRUARY 26, 2009

SENATE BILL

No. 12

Introduced by Senator Simitian

December 1, 2008

~~An act to add Division 26.8 (commencing with Section 79850) to the Water Code, relating to the~~ *An act relating to Sacramento-San Joaquin Delta.*

LEGISLATIVE COUNSEL'S DIGEST

SB 12, as amended, Simitian. ~~Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009.~~ *Sacramento-San Joaquin Delta Stewardship Council.*

(1) Existing law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta. The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Sacramento-San Joaquin Delta. *Existing law requires the Secretary of the Resources Agency to convene a committee to develop and submit to the Governor and the Legislature, on or before December 31, 2008, recommendations for implementing a specified strategic plan relating to the sustainable management of the Delta.*

~~This bill would enact the Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009. The bill would establish the Delta Ecosystem and Water Council to advance the coequal goals of restoring the Delta ecosystem and creating a more reliable water supply in California. The council would be required to prepare and adopt a plan referred to as the California Delta Ecosystem and Water Plan (plan) to carry out the requirements of the act declare legislative intent to enact legislation to establish the Sacramento-San Joaquin Delta Stewardship Council.~~

~~The council would have the exclusive authority to determine the consistency of any project proposed or approved by a state agency or local government with the plan. By authorizing the council to impose requirements on projects undertaken by local governments, the bill would impose a state-mandated local program.~~

~~The council would be required to establish a goal for the adoption of the plan by December 1, 2010. If the plan is not completed by that date, the council would be required to adopt an interim strategic plan.~~

~~The bill would authorize the council to impose a per-acre-foot fee on water diversions within the Delta watershed and a fee on any water conveyed through or around the Delta. The bill would provide that revenues generated from those fees, or from similar fee revenues collected by another state agency, shall be available, upon appropriation, to fund activities authorized by the act.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no.
State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. It is the intent of the Legislature to enact*
- 2 *legislation to establish the Sacramento-San Joaquin Delta*
- 3 *Stewardship Council.*
- 4 ~~SECTION 1. Division 26.8 (commencing with Section 79850)~~
- 5 ~~is added to the Water Code, to read:~~

1 ~~DIVISION 26.8. SACRAMENTO-SAN JOAQUIN RIVER~~
2 ~~DELTA, CLEAN DRINKING WATER, WATER SUPPLY~~
3 ~~SECURITY, AND ENVIRONMENTAL IMPROVEMENT ACT~~
4 ~~OF 2009~~

5
6 ~~CHAPTER 1. GENERAL PROVISIONS~~

7
8 ~~79850. This division shall be known and may be cited as the~~
9 ~~Sacramento-San Joaquin River Delta, Clean Drinking Water, Water~~
10 ~~Supply Security, and Environmental Improvement Act of 2009.~~

11
12 ~~CHAPTER 2. DELTA ECOSYSTEM RESTORATION AND WATER~~
13 ~~SUPPLY RELIABILITY~~

14
15 ~~79855. The Legislature finds and declares all of the following:~~
16 ~~(a) The coequal goals of restoring the Delta ecosystem and~~
17 ~~creating a more reliable water supply in California are the~~
18 ~~foundation of water and ecosystem policymaking.~~

19 ~~(b) All state agencies with significant responsibilities relating~~
20 ~~to the Delta should implement their statutory duties in a manner~~
21 ~~that advances these coequal goals.~~

22 ~~(c) All water project operational agreements, contracts for water~~
23 ~~use, water right permits, and financial agreements that impact the~~
24 ~~Delta should reflect and promote these coequal goals.~~

25
26 ~~CHAPTER 3. DELTA ECOSYSTEM AND WATER COUNCIL~~

27
28 ~~79860. (a) The Delta Ecosystem and Water Council is hereby~~
29 ~~established to advance the coequal goals of restoring the Delta~~
30 ~~ecosystem and creating a more reliable water supply in California.~~

31 ~~(b) The board of directors of the council shall consist of seven~~
32 ~~members, appointed as follows:~~

33 ~~_____.~~

34
35 ~~CHAPTER 4. MISSION, DUTIES, AND RESPONSIBILITIES OF THE~~
36 ~~DELTA ECOSYSTEM AND WATER COUNCIL~~

37
38 ~~79870. (a) The council shall prepare and adopt a plan referred~~
39 ~~to as the California Delta Ecosystem and Water Plan that~~

1 incorporates the plans of other agencies, as appropriate, to carry
2 out the requirements of this division.

3 (b) The council shall have exclusive authority to determine the
4 consistency of any project proposed or approved by a state agency
5 or local government with the plan adopted pursuant to this division.

6 79871. (a) The council shall prepare on or before August 1,
7 2010, a schedule for preparing and adopting the plan.

8 (b) The council shall establish a goal for the adoption of the
9 plan by December 1, 2010.

10 (c) If the plan is not adopted by December 1, 2010, the council
11 shall adopt an interim strategic plan.

12 CHAPTER 5. DELTA ECOSYSTEM AND WATER PLAN

13
14 79880. (a) The plan shall be prepared in order to achieve the
15 coequal goals of the Delta Vision. The plan shall build upon other
16 plans, modifying and extending those plans as needed to meet the
17 requirements of this division. Those other plans include, but are
18 not limited to, the ecosystem restoration program being developed
19 by the Department of Fish and Game, the land use and resource
20 management plan developed by the Delta Protection Commission,
21 any local habitat conservation plan within the Delta, the Suisun
22 Marsh plan under development, the provisions of the California
23 Water Plan that address reliable water supply being developed by
24 the department, and the conservation program resulting from the
25 Bay Delta Conservation Plan.

26 (b) Those persons responsible for implementing the plans
27 described in subdivision (a) shall do so in a manner that is
28 consistent with the plan adopted pursuant to this division.

29 CHAPTER 6. FUNDING

30
31 79885. The council may impose a per-acre-foot fee on water
32 diversions within the Delta watershed, and a fee on any water
33 conveyed through or around the Delta. The revenues generated
34 from fees imposed pursuant to this section, or from similar fee
35 revenues collected by another state agency, shall be available,
36 upon appropriation, to fund the activities authorized in this division.
37
38

1 ~~CHAPTER 7. THE DELTA SCIENCE AND ENGINEERING BOARD~~
2 ~~AND THE DELTA SCIENCE AND ENGINEERING PROGRAM~~

3
4 ~~79900. The Legislature finds and declares all of the following:~~

5 ~~(a) California should maintain a strong and consistent investment~~
6 ~~in science and engineering important to the Delta. There needs to~~
7 ~~be a more direct link between scientific investigation and~~
8 ~~real-world management and policy.~~

9 ~~(b) To achieve this, the council requires both a permanent~~
10 ~~science and engineering program staff and an independent science~~
11 ~~and engineering board that reviews actions undertaken by the~~
12 ~~council.~~

13 ~~(c) The science and engineering program and the independent~~
14 ~~science and engineering board should receive stable, adequate~~
15 ~~funding.~~

16 ~~(d) The science and engineering program should be a~~
17 ~~replacement for, and a successor to, the successful CALFED~~
18 ~~Independent Science Program, and a newly constituted independent~~
19 ~~science and engineering board should replace the CALFED~~
20 ~~Independent Science Board.~~

21 ~~SEC. 2. If the Commission on State Mandates determines that~~
22 ~~this act contains costs mandated by the state, reimbursement to~~
23 ~~local agencies and school districts for those costs shall be made~~
24 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
25 ~~4 of Title 2 of the Government Code.~~